

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

RONALD LAJAMES	:	
WOOTEN,	:	
	:	
Petitioner,	:	CIVIL ACTION NO. 09-0066-KD-C
	:	
vs.	:	CRIMINAL NO. 06-0208-KD-C
	:	
UNITED STATES OF	:	
AMERICA,	:	
	:	
Respondent.	:	

ORDER

Concurrent with the filing of his motion to vacate (Doc. 57), petitioner filed a motion for transcripts and additional discovery (Doc. 59) and a motion to proceed *in forma pauperis* (Doc. 60). These motions are before the Court pursuant to Local Rule 72.1(c).

The undersigned finds petitioner's motion to proceed *in forma pauperis* (Doc. 60) to be **MOOT** inasmuch as petitioner's financial status has not changed since he was found to be indigent and appointed counsel to represent him in connection with the criminal charge brought against him (*see* Docs. 8 & 9). In other words, since the inception of the criminal charge Wooten has

been proceeding *in forma pauperis* and there is no need for this Court to affirm this status in relation to this his collateral attack on his conviction and sentence. Accordingly, his motion to proceed without prepayment of fees and costs (Doc. 60) is **DENIED AS MOOT**.¹

Wooten has also filed a motion requesting transcripts and additional discovery at the government's expense (Doc. 59). The undersigned contacted the office of Wooten's appointed counsel, James M. Scroggins, Esquire, and was informed that petitioner had been provided with all the documents requested, that is, copies of the transcripts and his criminal file. Accordingly, this portion of the motion is **MOOT**. To the extent petitioner seeks to propound "discovery" he has failed to establish the need for same and, therefore, such request is **DENIED**.²

DONE and **ORDERED** this the 26th day of February, 2009.

s/WILLIAM E. CASSADY
UNITED STATES MAGISTRATE JUDGE

¹ Should petitioner find himself in the position of appealing this Court's disposition of his motion to vacate, however, he will need to file a motion to proceed on appeal *in forma pauperis*.

² Any "discovery" exchanged between the government and Wooten during the pendency of his criminal charge should be in the documents he receives from Mr. Scroggins.